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E-FILED 4/26/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

16 Before the Court is plaintiff's motion to compel, presently set for hearing on May 2, 2007.
17 The Court finds this matter suitable for disposition without oral argument, pursuant to Local Rule 7-
18 1 (b). The motion to compel is denied. In its late-filed reply brief,¹ plaintiff asserts that the only
19 issues remaining in dispute between the parties are: (1) whether defendant must produce
20 “[e]lectronic versions of the Quantum and Goldmine databases, and, (2) setting a firm date for
21 production of all additional materials that defendant has agreed to produce. As to the first issue,
22 which was not squarely presented in the moving papers, plaintiff has failed to show a basis to require
23 production of electronic versions of the databases, when doing so would include the production of
24 data outside the scope of plaintiff's document requests. As to the second issue,

¹ It is unclear how the due date for the reply brief was “mis-calendared” given that it was expressly set by prior court order and did not need to be calculated with reference to a hearing date.

1 defendant is expected to produce all remaining materials with reasonable diligence and speed,
2 particularly to the extent that the ordinary time provided in the Federal Rules of Civil Procedure may
3 have already expired. On this record, however, the Court declines to set a further specific deadline.

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5 IT IS SO ORDERED.

6 Dated: April 26, 2007


RICHARD SEEBORG
United States Magistrate Judge

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